

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FELICITY M. TODD VEASEY and
SECOND AMENDMENT FOUNDATION,
INC.,

Plaintiffs,

v.

BRINDELL B. WILKINS, JR., in his official
capacity as Sheriff of Granville County, North
Carolina,
PAT McCRORY, in his official capacity as
Governor of North Carolina,
ROY COOPER, in his official capacity as
Attorney General of North Carolina, and
FRANK L. PERRY, in his official capacity as
Secretary of the North Carolina Department of
Public Safety,

Defendants.

No. 5:14-cv-00369-BO

KIRSTEN MESSMER,

Plaintiff,

v.

DONNIE HARRISON, in his Official Capacity
as Sheriff of Wake County, North Carolina,
PAT McCRORY, in his Official Capacity as
Governor of North Carolina,
ROY COOPER, in his Official Capacity as
Attorney General of North Carolina, and
FRANK L. PERRY, in his Official Capacity as
Secretary of the North Carolina Department of
Public Safety,

Defendants.

No. 5:15-cv-00097-BO

STATE OF NORTH CAROLINA'S MOTION TO INTERVENE AND
MOTION FOR EXTENSION OF TIME

Pursuant to this Court's Orders of July 31, 2015 [5:14-cv-369, DE #58] and August 5, 2015 [5:15-cv-097, DE #40] holding that "any fees awarded would be assessed against the Sheriff in his official capacity, to be paid by the State of North Carolina", the State of North Carolina respectfully moves the Court, pursuant to Fed. R. Civ. P. 24 (a)(2) and Fed. R. Civ. P. 24 (b), to allow the State to intervene in the above-matter for the limited purpose of contesting Plaintiffs' Motion for Attorneys' Fees. Further, the State of North Carolina respectfully moves the Court, pursuant to Fed. R. Civ. P. 6(b), for an extension of time in which to file their Response to the Plaintiffs' Motion for Attorneys' Fees.

WHEREFORE, the State of North Carolina respectfully requests that the Court enter an order allowing the State to intervene for the limited purpose of contesting Plaintiffs' Motion for Attorneys' Fees, and enter an order extending the time for the State to file their Response to the Plaintiffs' Motion for Attorneys' Fees, up to and including 21 days after entry of the Order granting intervention.

Respectfully submitted the 15th day of October, 2015.

ROY COOPER
Attorney General

/s/ Charles G. Whitehead
Charles G. Whitehead
Special Deputy Attorney General
Carolina State Bar No. 39222
Email: cwhitehead@ncdoj.gov
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629
Telephone: (919) 716-6840
Facsimile: (919) 716-6758
Counsel for State of North Carolina

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record as follows:

Camden R. Webb
Williams Mullen
301 Fayetteville St., Suite 1700
P. O. Box 1000
Raleigh, NC 27601
*Counsel for Plaintiff
Kirsten Messmer and Local Rule 83.1
Counsel for Plaintiffs Felicity M. Todd
Veasey and Second Amendment
Foundation, Inc.*

Andrew H. Erteschik
N.C. State Bar No. 35269
aerteschik@poynerspruill.com
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: 919.783.2895
Facsimile: 919.783.1075
*Counsel for Sherriff Brindell B.
Wilkins and Sherriff Donnie
Harrison*

Hal F. Askins
J. Joy Strickland
N.C. Dept. of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
*Counsel for Defendants
Governor Pat McCrory, Attorney
General Roy Cooper and Frank L.
Perry*

David G. Sigale
Law Firm of David G. Sigale, P.C.
739 Roosevelt Road, Suite 304
Glen Ellyn, IL 60137
dsigale@sigalelaw.com
*Lead Counsel for Plaintiffs
Felicity M. Todd Veasey and Second
Amendment Foundation, Inc.*

This the 15th day of October, 2015.

/s/ Charles G. Whitehead
Charles G. Whitehead